

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMANUEL DELACRUZ ET AL.,  
Plaintiffs,

19-cv-10254 (JGK)

- against -

ORDER

BURBERRY LIMITED,  
Defendant.

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JOHN G. KOELTL, District Judge:

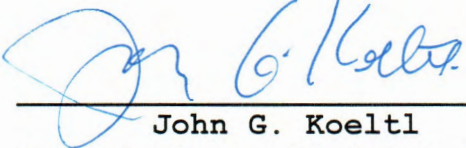
In light of the recent decision of the Court of Appeals for the Second Circuit, see Calcano v. Swarovski N. Am. Ltd., 2022 WL 1788305 (2d Cir. June 2, 2022), the complaint is dismissed without prejudice for lack of subject matter jurisdiction. See, e.g., Mendez v. Victoria's Secret Stores, LLC, 19-cv-11435, ECF No. 19 (June 3, 2022); Calcano v. Tumi, Inc., 19-cv-9864, ECF No. 35 (June 7, 2022).

The plaintiff may file an amended complaint by August 8, 2022. The plaintiff should be aware of all of the cautions specified in the opinion of the Court of Appeals, as well as the additional requirements noted in the concurring opinion. The

plaintiff should be aware that discovery may be permitted with respect to the allegations of subject matter jurisdiction.

**SO ORDERED.**

**Dated:** New York, New York  
July 7, 2022



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John G. Koeltl  
United States District Judge